

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO: 19085 of 1996

Between:

M. Yellappa, s/o. Ayyenna, 29 years, Occ; Appraisor,
Lower Asst. Sales man, r/o. Yemmiganoor, Kurnool District.

..... PETITIONER

AND

- 1 Commissioner cum Director of Handloom and Textiles, Govt. of A.P. Hyderabad.
- 2 The Assistant Director of Handlooms & Textiles, Govt. of Handlooms & Textiles, Govt. of A.P., Kurnool,
- 3 M/s. The Yemmiganoor Handloom wearers Co-operative Product in and sales Society Limited, rep by its Secretary cum Deputy Director of Handlooms & Textiles, Yammiganoor, Kurnool District.
- 4 Sri. M. Umapathi, s/o. & aged not known, Secretary cum Dy. Director of Handlooms & Textiles, M/s. Yemmiganoor Handlooms, Wearer co-operative & production & Sales Society Limited, Yemmiganoor, Kurnool District.
- 5 Enquiry officer cum Advocate, M/s. Yemmiganoor Handlooms wears Co-Operative Production and sales Society Limited, Yemmiganoor, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or direction particularly in the nature of writ of direction the respondents to produce the records pertaining to YWCS/EST/96/1429 dt.13.5.96 of R 3 and declare the action of the Respondent posting me as Asst. Salesman by degrading the status of the petitioner as if it is a punishment and declare the action of the R.No. 3,4 and 5 as illegal, bias, arbitrary and contrary to law much less violative of Article 14,21, 22 of the Constitution of India, besides violatives of principles of natural justice and further declare the action of the R.No. 5 in conducting an enquiry for the same set of charges and allegations for which an enquiry was conducted.

Counsel for the Petitioner: MR.M.V.RAJA RAM

Counsel for the Respondent No.: MR.O.MANOHER REDDY

The Court made the following:

ORDER:

Petitioner claims to be an employee of the Yemmiganur Handloom Weavers Co-operative Production and Sales Society. This Writ Petition is filed aggrieved by successive disciplinary enquiries and imposition of a punishment pursuant to the second enquiry conducted into the same set of allegations in respect of which, in an earlier enquiry, the petitioner was administered a warning.

2. It is neither pleaded, urged or demonstrated that the Yemmiganur Handloom Weavers Cooperative Society is an agency or instrumentality of the State, within the meaning of Article 12 of the Constitution of India. No facts are pleaded in the Writ petition, which permit an identification of the said respondent as an agency or instrumentality of the State. No fundamental or legal right of the petitioner is also pleaded, urged or demonstrated to have been violated by the impugned conduct of the third respondent. In the circumstances there are no particulars pleaded, urged or demonstrated, before this Court warranting issuance of writ of Mandamus.

3. This Writ Petition is accordingly dismissed as not maintainable. The petitioner is at liberty to pursue such alternative remedies as are available to him under law. No costs.

03rd August, 2004. GODA RAGHURAM, J

SKM

To

1 The Commissioner cum Director of Handloom and Textiles, Govt. of A.P. Hyderabad.

2 The Assistant Director of Handlooms & Textiles, Govt. of Handlooms & Textiles, Govt. of A.P., Kurnool,

3 The Secretary cum Deputy Director of Handlooms & Textiles, M/s. Yemmiganoor Handloom wearers Co-operative Product in and sales Society Limited, Yammiganoor, Kurnool District.

4 Two C.D. copies.

